

**In the Supreme Court of the United States.**

OCTOBER TERM, 1923.

THE UNITED STATES OF AMERICA,  
appellant.

v.

TITLE INSURANCE AND TRUST  
Company et al.

No. 858.

APPEAL FROM THE UNITED STATES CIRCUIT COURT OF  
APPEALS FOR THE NINTH CIRCUIT.

BRIEF FOR THE UNITED STATES.

STATEMENT.

This case originated in the District Court for the southern district of California, northern division. The United States was plaintiff and the present appellees were defendants. After complaint was filed, defendants interposed a motion to dismiss, in the nature of a general demurrer; the motion was sustained; plaintiff elected to stand on its complaint; a final decree of dismissal was entered; plaintiff appealed to the Circuit Court of Appeals for the Ninth Circuit; that court, on April 16, 1923, affirmed the judgment below; and from that decision this appeal is taken.

(1)

EXCERPTS FROM UNITED STATES' SUPREME COURT BRIEF ASSERTING  
LAND AND WATER RIGHTS CLAIMS ON BEHALF OF THE TEJON TRIBE

The suit is analogous to a suit to quiet title. In it the United States, as guardian for the surviving remnant of a tribe of Indians from time immemorial living on a certain described tract of land, seeks to have their original title of occupancy and possession, which is fortified by a provision for their protection found in the grant whereby the fee title passed from the Mexican government, confirmed and established as a species of easement or use, to which all rights and titles now belonging to defendants are subject. Compensation is also asked for various acts of wrong and oppression committed by defendants, and an injunction to prevent further molestation of the Indians.

The complaint may be thus summarized:

1. The suit is brought by authority of the Attorney General of the United States at the request of the Secretary of the Interior in furtherance of the Indian policy of the Government, which is here acting as guardian of a band or tribe of Mission Indians, wards of the United States, and incompetent to manage their own affairs, known as Tejon Indians, and from time immemorial residing on a described tract in Kern County, California. The above mentioned officials in bringing the suit are acting not only in the general line of their duty and in defense of the general Indian title of occupancy and use, but also under the specific requirements of the Act of January 12, 1891, 26 Stat. 712, directing them to protect Mission Indians residing within any confirmed private grant in the rights secured to them

both by the original grant and by the Act of the State of California of April 22, 1850 (hereinafter quoted), which provides that proprietors of land on which Indians reside must not interfere with their possession, although they may by judicial procedure obtain a segregation of a sufficiency of land for their separate occupancy, including their home or village.